

California Regional Water Quality Control Board  
North Coast Region

Order No. R1-2000-06  
NPDES Permit No. CA005606  
I.D. No. 1B83030OMEN

Waste Discharge Requirements

For

Masonite Corporation - Ukiah Mill  
300 Ford Road, Ukiah

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. The Masonite Corporation (hereinafter permittee) submitted a Report of Waste Discharge dated September 27, 1997, and applied for renewal of its Permit to discharge treated industrial and domestic wastewater under the National Pollutant Discharge Elimination System (NPDES) from its wet process hardboard manufacturing facility located at 300 Ford Road in Ukiah. Supplemental information to complete the filing of the application was submitted on April 22, 1998 and July 31, 1998. The term of this Permit is five years.
2. The discharger produces approximately 2.22 million gallons per day (MGD) of industrial process wastewater from their hardboard manufacturing facilities. A portion of the industrial process waste stream is evaporated to form Masonex, used as dust control water, and as a cattle feed supplement. The remainder of the waste receives secondary treatment, and is discharged to the Russian River at up to 1 percent of the river flow between October 1 through May 14 (Discharge Serial No. 001 latitude 39° 10' 25" longitude 123° 11' 48" Attachment A), or discharged to land (Serial No. 002). Up to 3.0 MGD is discharged to irrigation fields owned by the discharger. Treated effluent can be recycled to the manufacturing facility as makeup water.

Approximately 0.05 MGD of domestic waste is produced in the facility. Previously, this waste stream was treated to a secondary level in a separate treatment plant, disinfected and discharged to the industrial process waste treatment plant where it could be discharged to the Russian River. As provided in the Water Quality Control Plan for the North Coast Region (Basin Plan), Order No. 98-123 included a time schedule requiring the permittee to upgrade the domestic wastewater treatment system to produce advanced treated effluent within one year of adoption. On August 27, 1999, the permittee submitted documentation certifying all domestic waste had been diverted to the City of Ukiah, Wastewater Treatment Plant and Disposal Facilities on August 23, 1999.

Industrial storm water runoff is combined with the industrial process wastewater stream and receives secondary treatment. During storm events the influent may be highly diluted and meets the effluent limitations contained in B. EFFLUENT LIMITATIONS 1. 40 CFR 133.103(a) recognizes combined treatment systems

are incapable of meeting the percentage removal requirement (85%) established in 40 CFR 133.102(a)(3) and 40 CFR 133.102(b)(3) and waives these requirements.

3. Recycled wood, wood by-products and oil are burned in the facility's boilers, generating up to 50 cubic yards per day of fly ash, dewatered scrubber ash, and bottom ash. All storm water from the boiler ash storage area is collected and treated in the wastewater treatment plant. Boiler ash is currently trucked off site and used for beneficial uses or landfilling.
4. This facility is a minor discharger as defined by the U.S. Environmental Protection Agency (U.S. EPA).
5. The Basin Plan includes water quality objectives, implementation plans for point source and nonpoint source discharges prohibitions and statewide plans and policies.

The Basin Plan for the North Coast Region also includes a prohibition on any discharge to the Russian River during the period of May 15 through September 30 and all other periods when the receiving stream's flow is less than 100 times greater than the waste flow.

6. The Basin Plan does not fully comply with Clean Water Act Section 303(c)(2)(B) in that it does not provide numerical standards for the U.S. EPA-designated priority pollutants for which U.S. EPA has published criteria.
7. The Basin Plan contains a narrative objective for toxicity that requires:

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassay of appropriate duration or other appropriate methods as specified by the Regional Water Board.

The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for "experimental water" as described in *Standard Methods for the Examination of Water and Wastewater* 19th Edition (1995). As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

In addition, effluent limits based upon acute bioassays of effluent will be prescribed. Where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

8. The Regional Water Board's consideration of water quality-based effluent limitations includes whole effluent toxicity pursuant to 40 CFR 122.44(d). The permittee's discharge has very low potential to cause nonattainment of toxicity

standards as a result of the Regional Water Board's summer discharge prohibition and winter discharge dilution requirements.

9. The U.S. EPA promulgated in 40 CFR 131.36 "Toxics criteria for states not complying with Clean Water Act Section 303(c)(2)(B)", which is applicable to the Russian River and its tributaries and includes those criteria designated at 40 CFR 131.36(d)(10). The Regional Water Board has considered the applicable factors stipulated at 40 CFR 122.44(d)(1)(ii) and finds that there is no reasonable potential for excursions above ambient criteria promulgated in Part 131.
10. The beneficial uses of the Russian River include:
  - a. municipal and domestic supply
  - b. agricultural supply
  - c. industrial service supply
  - d. industrial process supply
  - e. groundwater recharge
  - f. navigation
  - g. hydropower generation
  - h. water contact recreation
  - i. non-contact water recreation
  - j. commercial and sport fishing
  - k. aquaculture
  - l. warm freshwater habitat
  - m. cold freshwater habitat
  - n. estuarine habitat
  - o. wildlife habitat
  - p. rare, threatened, or endangered species
  - q. migration of aquatic organisms
  - r. spawning, reproduction, and/or early development
11. Beneficial uses of areal groundwaters include:
  - a. domestic water supply
  - b. agricultural water supply
  - c. industrial service supply
  - d. industrial process supply
12. Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 (if an ocean discharge) of the Clean Water Act and amendments thereto are applicable to the permittee.
13. The permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Resources Control Board Resolution No. 68-16. The impact on existing water quality will be insignificant.
14. The discharger is presently governed by Waste Discharge Requirements Order No. 98-123, adopted by the Regional Water Board on December 10, 1998.

15. The action to renew an NPDES Permit is exempt from certain provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.
16. This project is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) as an existing facility (Title 14, California Code of Regulations, Section 15301).
17. The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
18. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
19. This Order will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and will take effect upon adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 98-123 is rescinded and the permittee, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this Permit is prohibited.
2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited. [Health and Safety Code, Section 5411]
3. The discharge of sludge or digester supernatant is prohibited, except as authorized under D. SOLIDS DISPOSAL.
4. The discharge of wood treatment chemicals or stain control fungicides to surface water or to groundwater is prohibited.
5. The discharge of woody debris is prohibited. For purposes of this prohibition, woody debris is defined as bark, twigs, branches, or wood chips which will not pass through a one inch diameter round opening.
6. The discharge of untreated waste from anywhere within the collection, treatment, or disposal facility is prohibited.
7. The discharge of waste from the Masonite Corporation, Ukiah Hardboard facility to the Russian River or its tributaries during the period May 15 through September 30 each year is prohibited.
8. During the period of October 1 through May 14, discharges of wastewater shall not exceed one percent of the flow of the Russian River. For purposes of this permit, the flow in Russian River shall be that flow measured at USGS Gauge 11-4625.00, near Hopland.

9. The discharge of domestic waste to the Russian River or its tributaries that does not meet Advanced Waste Treatment after December 10, 1999 is prohibited.
10. The discharge of waste to land, Serial No. 002, shall not exceed 3.0 MGD.

## B. EFFLUENT LIMITATIONS

1. Representative samples of the discharge must not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Discharge Serial No.</u>	<u>Unit</u>	<u>Monthly Average<sup>a</sup></u>	<u>Daily Maximum</u>
BOD (20°C, 5-day)	001	mg/L	30	60
	001	lb/day <sup>b</sup>	400	800
	002, 003	mg/L	50	80
Suspended Solids	001,2,3	mg/L	50	80
	001	lb/day <sup>c</sup>	670	1070
Settleable Solids	001	ml/L	0.1	0.2
	002	ml/L	-	1.0
Hydrogen Ion	001	pH	Not less than 6.5 nor greater than 8.5	
Phenols	001	mg/L	0.1	0.2
	001	lbs/day <sup>c</sup>	1.3	2.7
Grease and Oil	001	mg/L	5	10
	001	lbs/day <sup>c</sup>	67	133

<sup>a</sup> The arithmetic mean of the values for effluent samples collected in a period of one calendar month.

<sup>b</sup> The daily discharge (lbs/day) is obtained from the following calculation of any calendar day:

$$\frac{8.34}{N} \sum_{i=1}^N Q_i C_i$$

in which N is the number of samples analyzed in any calendar day.  $Q_i$  and  $C_i$  are the flow rate (MGD) and the constituent concentration (mg/L), respectively, which are associated with each of the N grab samples which may be taken in any calendar day. If a composite sample is taken,  $C_i$  is the concentration measured in the composite sample; and  $Q_i$  is the average flow rate occurring during the period over which samples are composited.

<sup>c</sup> median

2. Representative sample of the discharge to the Russian River or its tributaries must not contain constituents in excess of the following limits:

a. Effluent Limitations for the protection of Freshwater Aquatic Life

<u>Constituent</u>	<u>Unit</u>	<u>4-Day Average</u>	<u>Daily Average</u>	<u>1-Hour Average</u>	<u>Instantaneous Maximum</u>
copper <sup>*</sup>	ug/L	b	---	b	---
nickel <sup>*</sup>	ug/L	c	---	c	---
tributyltin	ng/L	20 <sup>a</sup>	40	---	60
zinc <sup>*</sup>	ug/L	d	---	d	---

\* Specified effluent limitations must be determined based on the hardness of the receiving water at the time the discharge is sampled. Attachment B of this permit lists calculated values for each metal based on various hardness values.

ug/L = microgram(s) per liter

ng/L = nanogram(s) per liter

“---” Not applicable

a = Six-Month Median

b-d = Objectives for these metals are expressed by the following formulas, where  
H = ln (hardness) in mg/l as CaCO<sub>3</sub>.

b = 4-DAY AVERAGE copper =  $e^{0.8545H - 1.465}$ ; 1-HOUR AVERAGE copper =  $e^{0.9422H - 1.464}$ . For example where hardness 50 mg/L, the 4-DAY AVERAGE copper = 6.5 ug/L and the 1-HOUR AVERAGE copper = 9.2 ug/L.

c = 4-DAY AVERAGE nickel =  $e^{0.846H + 1.1645}$ ; 1-HOUR AVERAGE nickel =  $e^{0.846H + 3.3612}$ . For example where hardness is 50 mg/L, the 4-DAY AVERAGE nickel = 88 ug/L and the 1-HOUR AVERAGE nickel = 790 ug/L.

d = 4-DAY AVERAGE zinc =  $e^{0.8473H + 0.7614}$ ; 1-HOUR AVERAGE zinc =  $e^{0.8473H + 0.8604}$ . For example hardness is 50 mg/L, the 4-DAY AVERAGE zinc = 59 ug/L and the 1-HOUR AVERAGE zinc = 65 ug/L.

The four-day average shall apply as the mean concentration from samples collected over a four-day period.

The average daily shall apply as the mean concentration from samples collected during a 24-hour period.

The one-hour average shall apply as the mean concentration from samples collected during a one-hour period.

The instantaneous maximum shall apply to any single grab sample.

The six-month median shall apply as a moving median of daily averages for any 180-day period in which daily values represent flow-weighted average concentrations within a 24-hour period. For intermittent discharges, the daily value shall be considered to equal zero for days on which no discharge occurred.

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b. Effluent Limitations for the Protection of Human Health

Existing or Potential  
Sources of Drinking Water

<u>Constituent</u>	<u>Unit</u>	<u>30-Day Average</u>
<i>Non-carcinogens</i> <sup>**</sup>		
copper	ug/L	1000.0 <sup>*</sup>
nickel	mg/L	0.6
zinc	mg/L	5.0 <sup>*</sup>

3. The mean daily dry weather flow of wastewater into the treatment plant shall not exceed 2.22 MGD averaged over a period of 30 consecutive days.
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\* = Taste and/or odor-based objectives

\*\* = Note: Certain dischargers may be subject to more stringent requirements pursuant to Chapter 6.6 of Division 20 of the California Health and Safety Code.

mg/L = milligram(s) per liter

ug/L = microgram(s) per liter

The 30-day average shall apply as the mean concentration from samples collected over a 30-day period.

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4. The survival of test fish in 96-hour [static or continuous flow] bioassays in undiluted effluent samples shall equal or exceed 90 percent survival 67 percent of the time, and 70 percent survival 100 percent of the time.

C. RECEIVING WATER LIMITATIONS

1. The waste discharge must not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7.0 mg/L. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 7.0

mg/L, the discharge shall not depress the dissolved oxygen concentration below the existing level.

2. The discharge must not cause the pH of the receiving waters to be depressed below 6.5 nor raised above 8.5. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time more than 0.5 units from that which occurs naturally.
3. The discharge must not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.
4. The discharge must not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
5. The discharge must not cause the receiving waters to contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.
6. The discharge of waste must not cause esthetically undesirable discoloration of the receiving waters.
7. The discharge must not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
8. The discharge must not contain concentrations of biostimulants which promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.
9. The discharge must not cause the receiving waters to contain toxic substances in concentrations that are toxic to, degrade, or that produce detrimental physiological responses in humans or animals or cause acute or chronic toxicity in plants or aquatic life.
10. The discharge must not cause a measurable temperature change in the receiving waters.
11. The discharge must not cause bioaccumulation of pesticide, fungicide, wood treatment chemical, or other toxic pollutant concentrations in bottom sediments or aquatic life to levels which are harmful to human health.
12. The discharge must not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.



13. This discharge must not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Clean Water Act , and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act , or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.
14. The discharge must not cause concentrations of contaminants to occur at levels which are harmful to human health in waters which are existing or potential sources of drinking water.
15. The discharge must not cause concentrations of toxic pollutants in the water column, sediments, or biota that adversely affect beneficial uses.
16. The discharge must not cause acute nor chronic toxicity in the receiving waters.

#### D. SOLIDS DISPOSAL

1. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of at a legal point of disposal, and in accordance with the provisions of Title 23, Division 3, Chapter 15 of the California Code of Regulations. The permittee also uses digested sludge from the treatment process as a fertilizer on the irrigation fields receiving Discharge Serial No. 002.
2. The permittee is encouraged to comply with the State guidance manual issued by the Department of Health Services titled "Manual of Good Practice for Landspreading of Sewage Sludge".
3. Any proposed change in sludge use or a disposal practice from a previously approved practice shall be reported to the Executive Officer at least 90 days in advance of the change.

#### E. PROVISIONS

1. Duty to Comply

The permittee must comply with all of the conditions of this permit. Any Permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [40 CFR 122.41(a)]

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if

this Permit has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

2. Duty to Reapply

This Permit expires on December 10, 2003. If the permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the permittee must apply for and obtain a new permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations must be received by the Regional Water Board no later than July 27, 2004. [40 CFR 122.41(b)]

The Regional Administrator of the U.S. EPA may grant permission to submit an application at a later date prior to the permit expiration date; and the Regional Administrator of the U.S. EPA may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the permit expiration date. [40 CFR 122.21(d)(2)]

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 122.41(c)]

4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

5. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 122.41(e)]

6. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Permit; or

- b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified. [40 CFR 122.44(b)]

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. [40 CFR 122.41(f)]

7. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41(g)]

8. Duty to Provide Information

The permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Permit. [40 CFR 122.41(h)]

The permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

9. Inspection and Entry

The permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or other authorized representatives upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any locations. [40 CFR 122.41(i)]

10. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.
- c. Records of monitoring information shall include:
  - i. The date, exact place, and time of sampling or measurements;
  - ii. The individual(s) who performed the sampling or measurements;
  - iii. The date(s) analyses were performed;
  - iv. The individual(s) who performed the analyses;
  - v. The analytical techniques or methods used; and
  - vi. The results of such analyses.
  - vii. The method detection limit (MDL); and

viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).

- d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit or approved by the Executive Officer of the Regional Water Board. Unless otherwise specified, all metals shall be reported as total metals. Test fish for bioassays and test temperatures shall be specified by the Executive Officer of the Regional Water Board. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

#### 11. Signatory Requirements

- a. All permit applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by a responsible corporate officer. For purposes of this provision, a responsible corporate officer means:
- i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
  - ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. Reports required by this Permit, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:
- i. the authorization is made in writing by a person described in paragraph (a) of this provision;
  - ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

- iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

## 12. Reporting Requirements

- a. Planned changes: The permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:
  - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
  - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor the notification requirements under Provision 13 (g).
- b. Anticipated noncompliance: The permittee will give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.
- c. Transfers: This Permit is not transferable.
- d. Definitions: The following definitions shall apply unless specified in this permit;
  - i. "Daily discharge" means the discharge of a pollutant measured during a calendar day of any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily

discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" shall be the concentrations of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during the sampling day.

- ii. "Daily average" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
  - iii. "Daily Maximum" discharge limitations means that highest allowable "daily discharge" during the calendar month.
- e. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self-monitoring program. By January 30 of each year, the permittee shall submit an annual report to the Regional Water Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the permittee shall discuss the compliance record and the corrective actions taken or planned which may be needed to bring the discharge into full compliance with the Permit. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR).
- f. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- g. Noncompliance reporting: The permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

The following events shall be reported orally as soon as the permittee becomes aware of the circumstances, and the written report shall be provided within five days of that time.

- i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in the Permit.
- ii. Any upset that exceeds any effluent limitation in the Permit.
- iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit.
- iv. Any noncompliance that may endanger health or the environment.

The Executive Officer may waive the above-required written report.

- h. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, the permittee shall promptly submit such facts or information.  
[40 CFR 122.41(1)]

13. Bypass

The intentional diversion of waste streams from any portion of a treatment facility is prohibited.

14. Upset

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof. [40 CFR 122.41(n)]

15. Enforcement

The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.

16. Existing Manufacturing, Commercial, Mining, and Silvicultural permittees

All existing manufacturing, commercial, mining, and silvicultural permittees must notify the Regional Water Board as soon as they know or have reason to believe that any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Permit, if



that discharge will exceed one hundred micrograms per liter (100 ug/l).  
[40 CFR 122.42(a)(2)]

17. Availability

A copy of this Permit shall be maintained at the discharge facility and be available at all times to operating personnel.

18. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste.
- b. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
- c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area, significantly removed from the original area, potentially causing different water quality or nuisance problems.
- d. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

19. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

20. Monitoring

The Regional Water Board or State Water Board may require the permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including, where appropriate, biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [CWC Section 13267 and 13383].

The permittee must comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. 98-123 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated herein. The permittee shall file with the Regional Water Board technical reports on self

monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the permittee, analyses performed by a noncertified laboratory will be accepted provided a quality assurance/quality control program is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for inspection by staff of the Regional Water Board. The quality assurance/quality control program must conform to U.S. EPA or State Department of Health Services guidelines.

21. Operator Certification

Supervisors and operators of municipal wastewater treatment plants shall possess a certificate of appropriate grade in accordance with Title 23, California Code of Regulations, Section 3680. The State Water Board may accept experience in lieu of qualification training. In lieu of a properly certified wastewater treatment plant operator, the State Water Board may approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services where water reclamation is involved.

22. Toxicity Reduction Evaluations (Include Only When Chronic or Acute Limits Are Established)

The permittee shall conduct a toxicity reduction evaluation (TRE) if the discharge consistently exceeds an acute or chronic toxicity effluent limitation. Once the source of toxicity is identified, the permittee shall take all reasonable steps necessary to reduce toxicity to the required level.

23. The discharger shall comply with all Title 22, Division 4, Chapter 3 regulations where applicable and all guidelines for the use of reclaimed wastewater as recommended by the State of California Department of Health Services.

Certification

I, Lee Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on January 27, 2000.

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Lee Michlin  
Executive Officer